

REMARKS

The pending Office Action addresses and rejects claims 1-3, 5, and 7-9.

Claim Amendments

Claim 1 is amended to recite that the passage in the nose member has an enclosed circular perimeter, as suggested by the Examiner. Support for this amendment can be found throughout the specification and drawings. No new matter is added.

Rejections Pursuant to 35 U.S.C. §102

(1) U.S. Patent No. 5,480,403 of Lee et al.

Claims 1-3, 5, and 7-9 are rejected pursuant to 35 U.S.C §102(b) as being anticipated by U.S. Patent No. 5,480,403 of Lee et al. While Applicants do not agree with the Examiner's interpretation of the term "tunnel" as set forth on page 3 of the Office Action, Applicants have amended independent claim 1 as suggested by the Examiner to clarify that the interior tunnel has a passage with an enclosed circular perimeter in order to expedite prosecution of the present application. Lee does not teach this feature of claim 1, as Lee is directed to a pin having a plurality of slots formed in the surface of the pin. While the slots extend into the tip of the pin, any passageways formed in the pin do not have an enclosed circular perimeter. Accordingly, independent claim 1, as well as claims 3, 4, 5, and 7-9 which depend therefrom, distinguish over Lee.

(2) U.S. Patent No. 5,269,809 of Hayhurst et al.

Claims 1-3, 5, and 7-9 are rejected pursuant to 35 U.S.C §102(b) as being anticipated by U.S. Patent No. 5,269,809 of Hayhurst et al. Similar to Lee, Hayhurst does not teach a device having an interior tunnel having a passage with an enclosed circular perimeter. Hayhurst is directed to a suture anchor having a tube with a slot formed therein. The slot is formed in a wall of the tube, shown in FIGS. 1-2, and it is open to allow a suture to be placed therein. The slot does not have an enclosed

perimeter, as required by claim 1. Accordingly, independent claim 1, as well as claims 3, 4, 5, and 7-9 which depend therefrom, distinguish over Hayhurst.

Conclusion

Applicants submit that all pending claims are now in condition for allowance, and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

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Respectfully submitted,



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